providing a phase forming vessel, and

subjecting said biomass, contained within said hydrolysis vessel, to hydrolysis by said aqueous acidic solution to form a hydrolysate containing sugars, and

withdrawing said hydrolysate from said hydrolysis vessel, and

transferring said hydrolysate to said phase forming vessel to form two mutually insoluble phases; a solid sugar phase and an aqueous acidic solution phase, and

separating [said] solid sugar phase from said phase forming vessel, and

separating said aqueous acidic solution phase, from said phase forming vessel, for subsequent recycle to said hydrolysis vessel, and

withdrawing residue, remaining from hydrolysis of said biomass, containing lignins, from the hydrolysis vessel, thereby hydrolysis of a biomass forms a hydrolysate containing sugars and substantially separating [the] sugars from the hydrolysate and withdrawing residue remaining from hydrolysis of the biomass from the hydrolysis vessel and the hydrolysate, with sugars substantially removed, [will] to provide recycled aqueous acidic solution to the hydrolysis vessel.

Referring to the previous argument and determination as to reference to teachings of Clausen, et al. It should be evident from these proceedings that reference to teachings of Clausen, et al. has been an unnecessary factor.

Pertaining to Brink, the provision of neutralizing a hydrolysate is a moot issue for consideration, as claims 13 and 14 referring to "neutralized" have been deleted within the above action. Thus, in re Rainer, 134 U.S.P.Q. 343 (CCPA 1962), is to be excluded from consideration.

Pertaining to teachings of Brink and Clausen, et al. and anticipation of claims 1-12,15 and 17-19. The issue of claims 13 and 14 reading on Brink has been resolved, as claims 13 and 14 have been deleted in the above action.

Relative to the teachings of Clausen, et al., a novel and unobvious principle of forming two mutually insoluble phases is lacking from the teachings of Clausen, et al. Therefore the teachings of Clausen, et al. lack importance to the present invention and a persuasive argument is presented

3. The text of those sections of Title 35 U.S. Code not included in this action but included in a prior Office Action is acknowledged.

4. It is recognized that THIS ACTION IS MADE FINAL and that reply of this office action is within the limits set forth in 37 CFR 1.136(a) as there is no intention to abandon this application. Concerning this communication from the examiner, an inquiry is unforeseen at this time.